



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

September 28, 2005

SUBJECT: **2005-0826 - Sprint** [Applicant] **JJ and W Co.** [Owner]:
Application for a on a 16.2-acre site located at **1175 Aster
Avenue** (near Willow Ave) in an M-S/ITR/R-3/PD (Industrial
& Service/Industrial to Residential/Medium-Density
Residential/Planned Development) Zoning District.

Motion **Special Development Permit** to allow the co-location of
three panel antennas on an existing monopole.

REPORT IN BRIEF

Existing Site Industrial warehouses/office buildings
Conditions

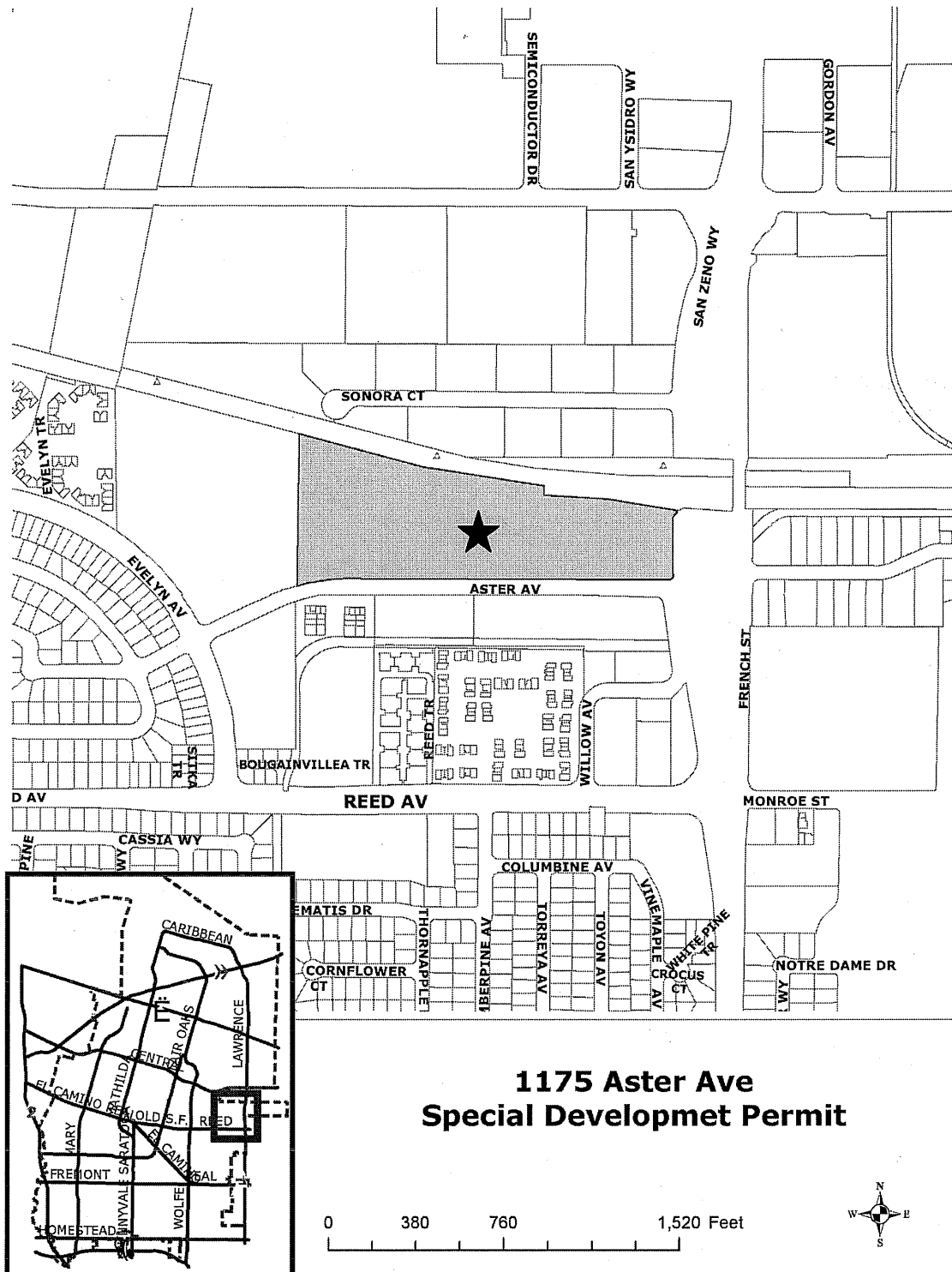
Surrounding Land Uses

North	Industrial across Railroad Tracks
South	Industrial warehouses/office buildings
East	Industrial across Lawrence Expressway
West	Apartments

Issues Visual Aesthetics

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
and City Guidelines.

Staff Approve with Conditions
Recommendation



1175 Aster Ave Special Developmet Permit

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial to Residential	Same	Industrial to Residential
Zoning District	Industrial & Service/ Industrial to Residential/ Medium Density Residential/ Planned Development (M-S/ITR/ R-3/PD)	Same	Industrial & Service/ Industrial to Residential/ Medium Density Residential/ Planned Development (M-S/ITR/ R-3/PD)
Lot Size (s.f.)	708,826	Same	22,500 min.
Height of Monopole	65'	65'	Per original SDP
Setbacks to Equipment (Facing Property)			
Front	N/A	190'	25' min.
Left Side	N/A	440'	0' min. (20' combined)
Right Side	N/A	235'	0' min. (20' combined)
Rear	N/A	20'	0' min.

ANALYSIS**Description of Proposed Project**

The proposed project is to allow the co-location of three flush-mounted panel antennas on an existing 65 foot monopole located at 1175 Aster Avenue. The original monopole was constructed in 2002. Additional ground equipment will be located near the base of the monopole within an enclosed area.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2001-0771	Special Development Permit to allow a 65 foot monopole and four panel antennas with ancillary ground equipment	Administrative Hearing/ Approved	1/16/02
1995-0145	Miscellaneous Plan Permit - Plan Modification	Staff/Approved	5/23/95
1981-0202	Special Development Permit to allow a Vehicle Service Facility	Planning Commission/ Approved	3/24/81
1972-0127	Special Development Permit to allow Expansion of Block Plant	Planning Commission/ Approved	6/26/72

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Special Development Permit

Site Layout: The existing monopole is located at the rear of the site. The three panel antennas will be located 55 feet high on the existing monopole below existing antennas approved in 2002. The monopole is partially obstructed from Aster Avenue by existing trees along the frontage of the site. Associated ground equipment is located near (west) the base of monopole. A new 6-foot chain-link fence with redwood slats encloses the equipment area. A section of the original fence will be removed to create a larger enclosed area that includes equipment for the Nextel and Sprint facilities. See Page 2 of Attachment C for more detail.

Landscaping: No changes are proposed to the existing landscaping of the site.

Parking/Circulation: No additional parking is required for the proposed use. The site can be accessed via an existing paved driveway from Aster Road and will be visited once or twice a month by the service provider following completion of the construction.

Compliance with Development Standards/Guidelines: The proposed project meets all applicable Zoning standards and requirements. The co-location of antennas will meet FCC standards for RF emissions as indicated through preliminary studies for the site. The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply the proposed project:

19.54.40 (b) - All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

The project includes three flush-mounted antennas installed under an existing antenna array.

19.54.40 (c) - SMC 19.54.040 - Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the primary background

As a condition of approval, staff is requiring that the antennas shall be painted to match the existing monopole.

19.54.40 (l) - In order of preference, ancillary support equipment for facilities shall be located either within a building, in a rear yard or on a screened roofs top area. Support equipment pads, cabinets, shelters and buildings require architectural, landscape, color, or other camouflage treatment for minimal visual impact.

The equipment area will be located at the rear of the site and within a newly proposed fenced enclosure (with redwood slats).

Expected Impact on the Surroundings: The impact of the additional antennas should be minimal. The proposed facility is also in an industrial zone, which is not considered a visually sensitive area. The flush mounted antennas will be painted to match the design of the existing facility and are only partially visible from adjacent properties. Existing trees along Aster Avenue help obstruct view of the site and the existing monopole.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 29 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Do not approve the Special Development Permit.

Recommendation

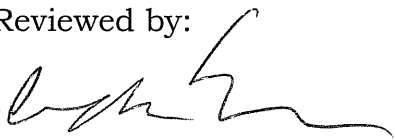
Alternative 1

Prepared by:



Ryan M. Kuchenig
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Photosimulations

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Telecommunications Policy Goal B: *Promote universal access to telecommunications services for all Sunnyvale citizens.*

Land Use and Transportation Element Action Statement N1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Land Use and Transportation Element Policy N1.3 – *Support a full spectrum of conveniently located commercial public and quasi-public uses that add to the positive image of the city.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is appropriately located within an industrial area and will utilize an existing facility.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties the proposed design (as conditioned) will not negatively impact the surrounding residential properties and the RF emissions are substantially below federal limits.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. The new antennas shall be painted to match the existing facility.
- F. The six-foot fence enclosure area shall include wood slats.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
- J. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- K. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be

supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

- 1.K.1.1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
- 1.K.1.2. Name, address and telephone number of a local contact person for emergencies.
- 1.K.1.3. Type of service provided.
- L. The owner or operator shall maintain, at all times, a sign mounted on the outside fence showing the operator name, site number and emergency contact telephone number.
- M. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- N. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- O. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- P. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or

proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

- Q. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- R. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- S. No wireless telecommunication facility shall be sited or operated in such a manner that is poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of faculties shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. LANDSCAPING

- A. No trees shall be removed as part of this application.
- B. All surrounding landscaping shall be maintained in a neat, clean, and healthful condition.



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OVERLAND PARK, KANSAS 66201

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PROJECT NO: SFR0XC812-A
DRAWN BY: AU/MIF
CHECKED BY: RZ

REV	DATE	DESCRIPTION
1	12/14/03	ISSUE 2002
2	01/27/04	ISSUE 2002
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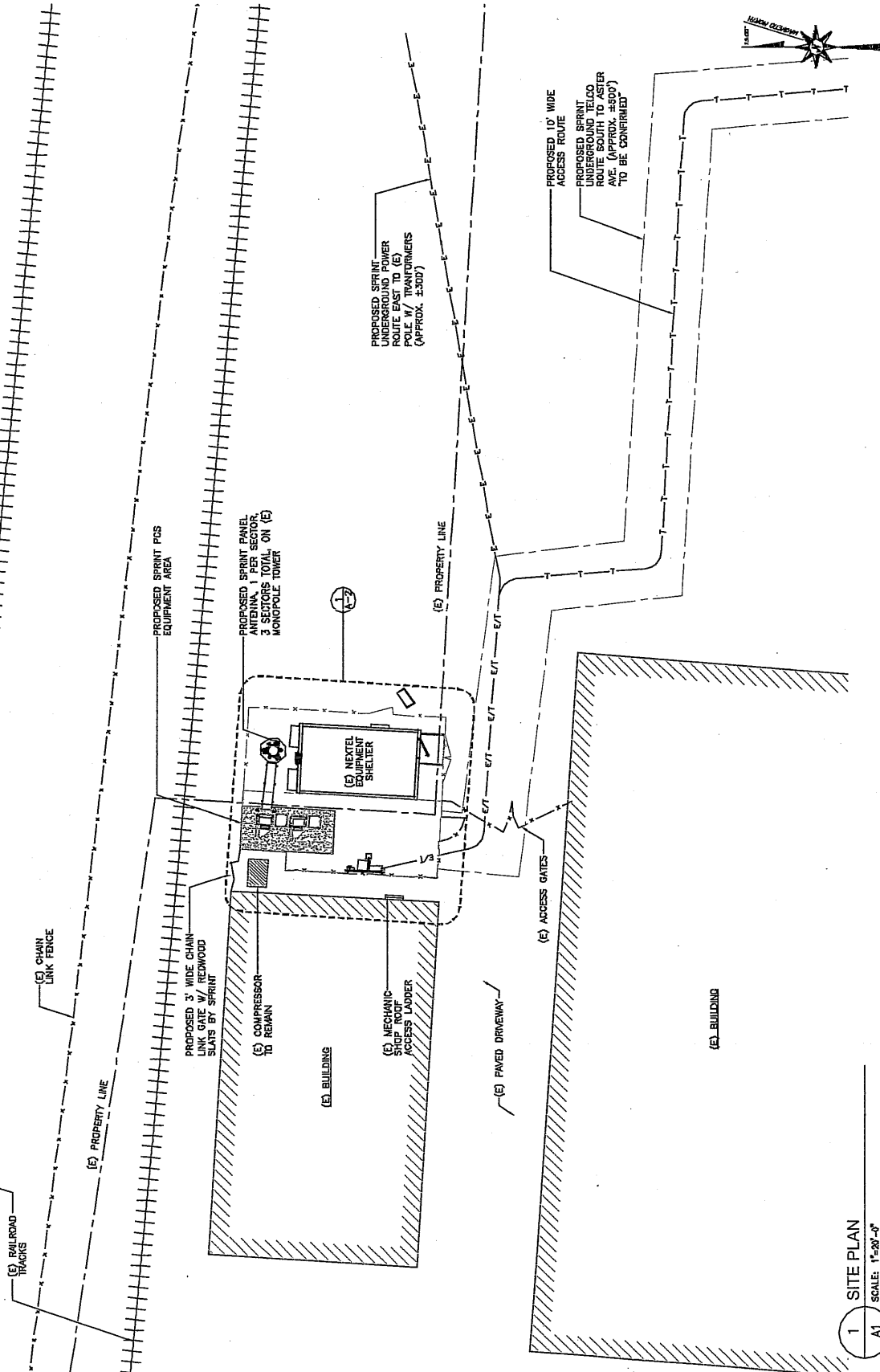


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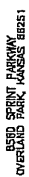
CALSTONE / PENINSULA
BUILDING MATERIALS
SFR0XC812-A
1175 ASTER AVENUE
SUNNYVALE, CA 94086
SANTA CLARA COUNTY

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1



1 SITE PLAN
A1 SCALE: 1"=20'-0"



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PROJECT NO: SFBOXCB12--A

DRAWN BY: AU/MIF

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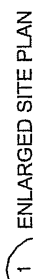
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CALSTONE / PENINSULA
BUILDING MATERIALS
SF60XC812-A
1175 ASTER AVENUE
SUNNYVALE, CA 94086
SANTA CLARA COUNTY

SHEET TITLE
ENLARGED SITE PLAN
& ANTENNA PLAN

SHEET NUMBER

A-2
SHEET NUMBER



SCALE: 1/8"=1'-0"



SCALE: 1"=1'-0"



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PROJECT NO: SF60XC812-A
DRAWN BY: AJI/JMF
CHECKED BY: RZ

REV	DATE	DESCRIPTION
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1	03/29/04	100% 2240

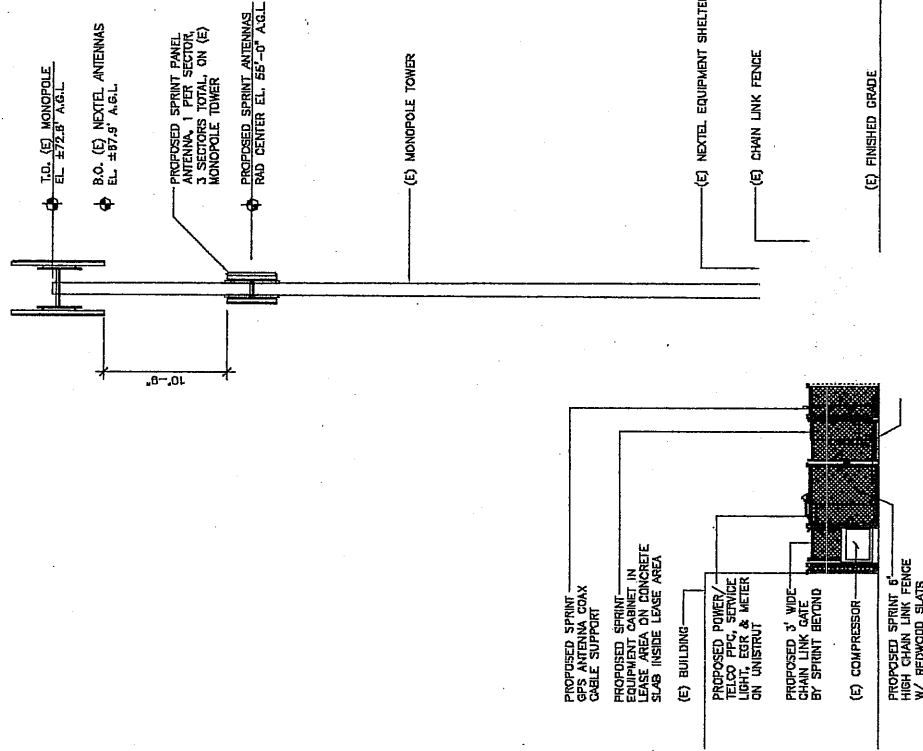


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TO SIGN THIS DOCUMENT

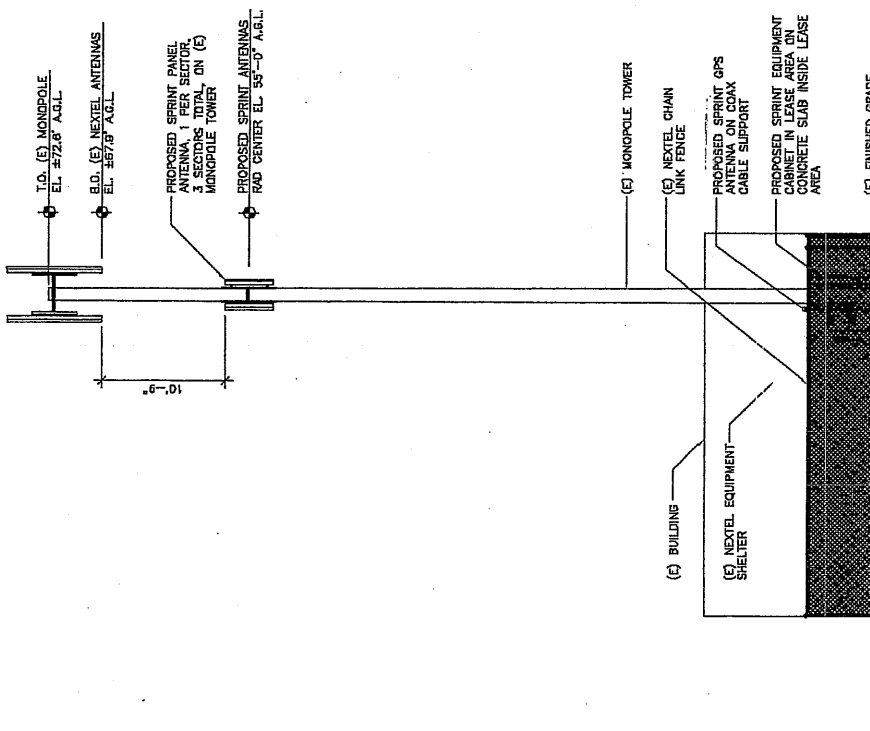
CALSTONE / PENINSULA
BUILDING MATERIALS
SF60XC812-A
1175 ASTER AVENUE
SUNNYVALE, CA 94086
SANTA CLARA COUNTY

SHEET TITLE
ELEVATIONS

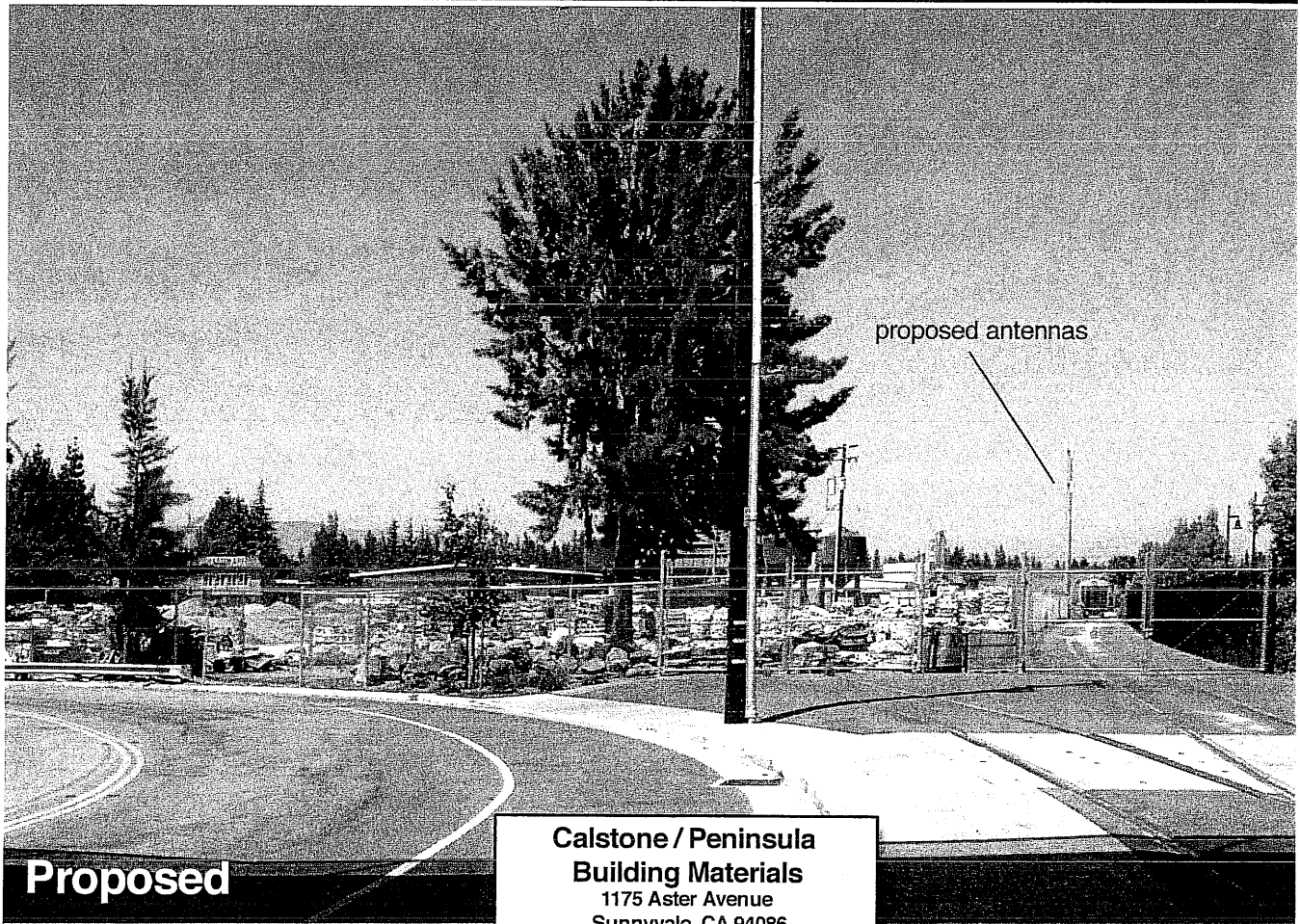
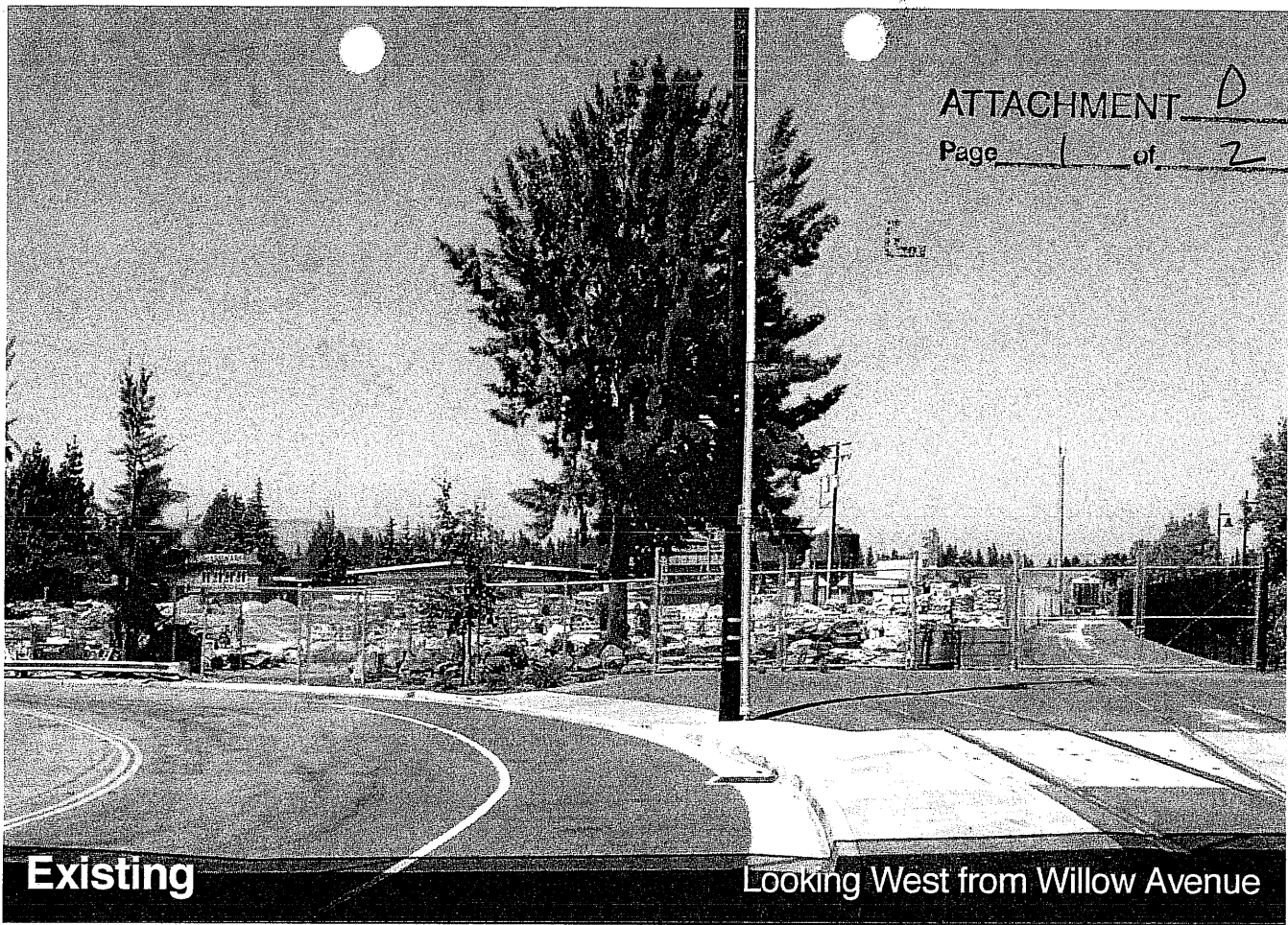
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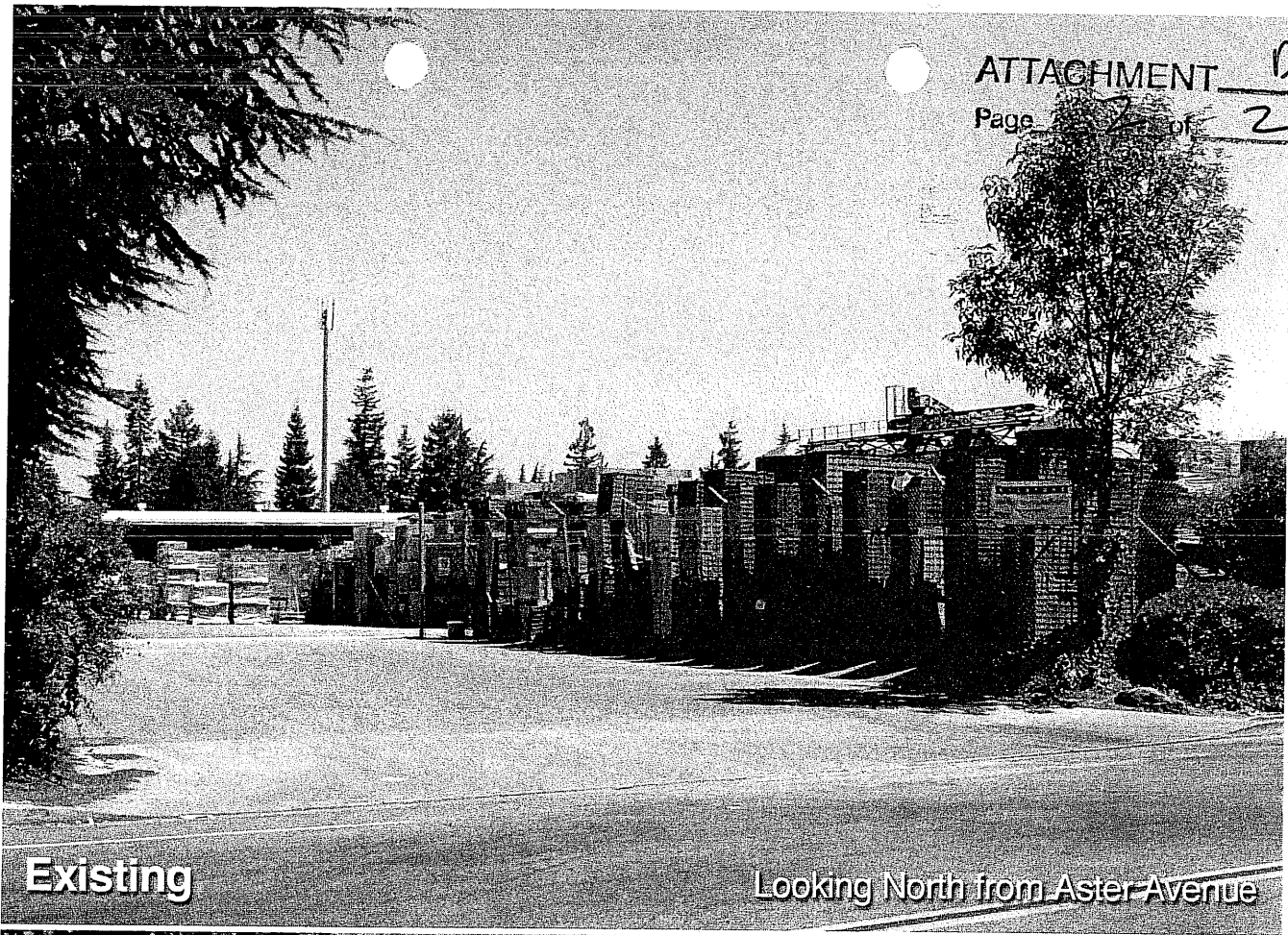


1 SOUTH ELEVATION
A3 SCALE: 3/16"=1'-0"



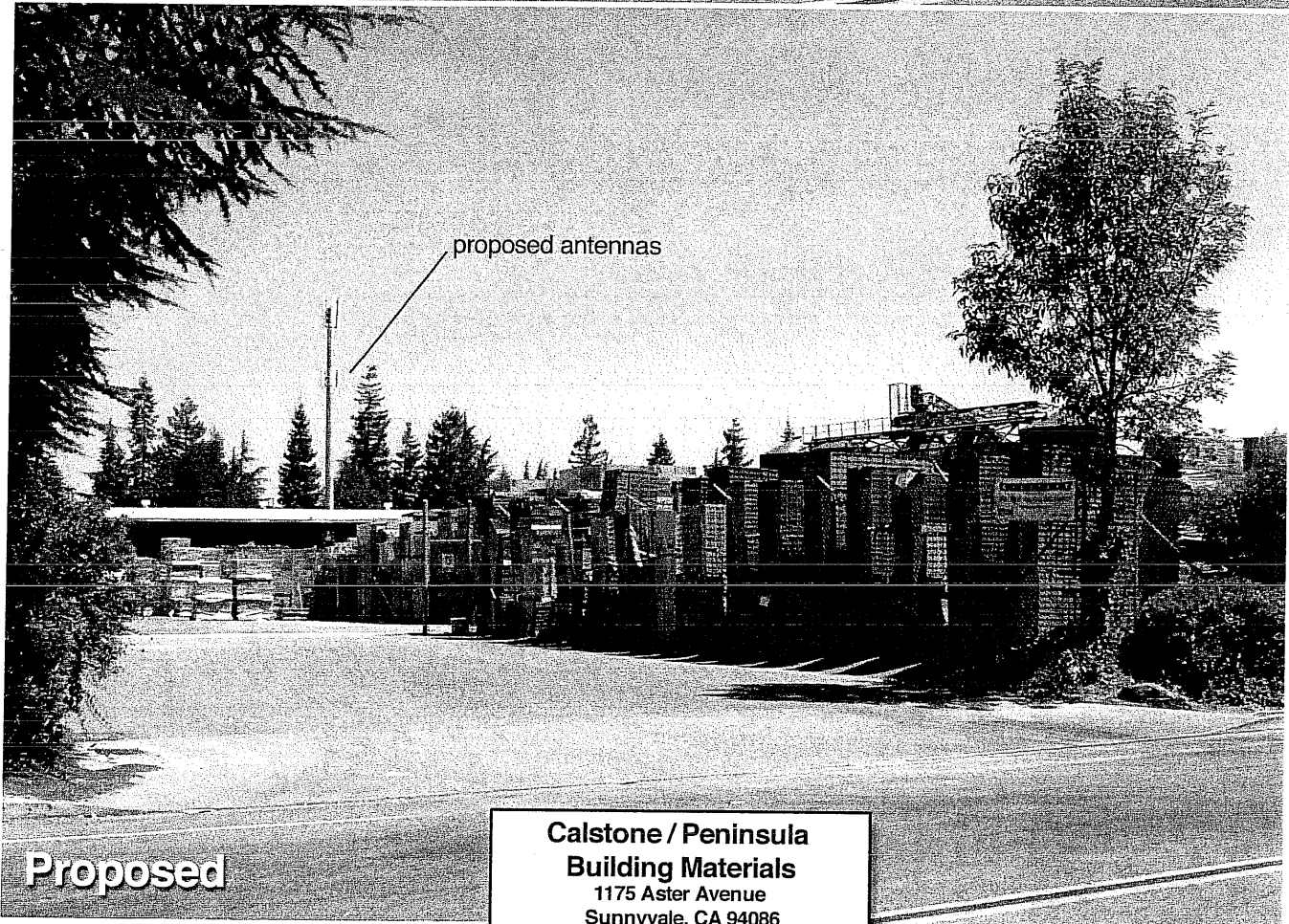
2 EAST ELEVATION
A3 SCALE: 3/16"=1'-0"





Existing

Looking North from Aster Avenue



proposed antennas

Proposed

Calstone / Peninsula
Building Materials
1175 Aster Avenue
Sunnyvale, CA 94086
Site # SF60XC812A